

**MINUTES OF THE
JUDICIARY INTERIM COMMITTEE**

Wednesday, July 13, 2016 – 8:30 a.m. – Room 25 House Building

Members Present:

Rep. LaVar Christensen, House Chair
Sen. Luz Escamilla
Sen. Ralph Okerlund
Rep. Fred C. Cox
Rep. Bruce R. Cutler
Rep. Brian M. Greene
Rep. Craig Hall
Rep. Brad King
Rep. Merrill F. Nelson
Rep. Dixon M. Pitcher
Rep. Keven J. Stratton
Rep. Norman K. Thurston

Rep. Mark A. Wheatley

Members Absent:

Sen. Mark B. Madsen, Senate Chair
Sen. Lyle W. Hillyard
Sen. Stephen H. Urquhart
Rep. V. Lowry Snow

Staff Present:

Mr. Gregg Girvan, Policy Analyst
Ms. Esther Chelsea-McCarty, Associate General Counsel
Ms. Lucy W. Daynes, Legislative Assistant

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Christensen called the meeting to order at 8:54 a.m. Sen. Hillyard and Rep. Snow were excused from the meeting.

2. Controlled Substance Database Audit

Chair Christensen introduced the topic.

Ms. Deanna Herring, Audit Supervisor, Office of the Legislative Auditor General, summarized "Controlled Substance Database Audit" and explained recent changes regarding access to the database. She explained that law enforcement's use of the database decreased by 95% following implementation of 2015 General Session S.B. 119, "Prescription Database Revisions," which requires law enforcement to use a search warrant to gain access to the database.

Ms. Herring answered questions from the committee regarding the audit, including how law enforcement used the database before the warrant requirement.

Ms. Anna Brower, Strategic Communications Manager, American Civil Liberties Union of Utah, spoke regarding the importance of protecting the information in the database and noted a pending court case on the issue.

Mr. Jeremy Robertson, President, Salt Lake Valley Firefighters Association, stated that the database is important to emergency responders. He shared personal experiences with database access and misuse of information from the database.

Mr. Ron Pyle, paramedic, Unified Fire Authority, shared his experience when a law enforcement officer accessed his medical data from the database.

Mr. Robertson and Mr. Pyle answered questions from the committee regarding appropriate use of the database and whether they had negative experiences with law enforcement because of their views on the subject.

MOTION: Rep. Thurston moved to conclude that there is insufficient committee support to take action on the issue, but that the committee be open to requesting the Division of Occupational and Professional Licensing to present on privacy policies with the database. The committee discussed the motion. The motion passed with Rep. Cutler voting in opposition.

3. Grandparent Rights Amendments

Chair Christensen introduced 2016 Third Special Session H.B. 3005, "Grandparent Rights Amendments," and explained provisions of the bill. He said that the bill would allow a grandparent to petition for visitation after a parent's rights have been terminated, unless the grandchild is adopted by a nonrelative.

The committee discussed H.B. 3005 "Grandparent Rights Amendments."

4. Judicial Nominating Commissions

Sen. Peter C. Knudson summarized provisions of 2016 Third Special Session S.B. 3003, "Judicial Nominating Commissions – Amendments." He said that the bill provides that a judicial nominating commission add one additional applicant for each additional vacancy existing in a court at the same time.

Mr. Ron Gordon, Executive Director, Commission on Criminal and Juvenile Justice, explained the background circumstances and purpose of S.B. 3003 "Judicial Nominating Commissions – Amendments."

Sen. Knudson and Mr. Gordon answered questions from the committee regarding the current law and practice of nominating commissions.

5. Justice Reinvestment Initiative Amendments

Rep. Eric K. Hutchings explained provisions of 2016 Third Special Session H.B. 3004, "Criminal Justice Reinvestment Amendments." He said that the bill would modify provisions regarding probation, including supervision and services.

Rep. Hutchings answered questions from the committee about how H.B. 3004, "Criminal Justice Reinvestment Amendments" addresses specific circumstances, including the bill's application for repeat offenders.

6. Other Items/Adjourn

MOTION: Rep. Cutler moved to adjourn. The motion passed unanimously with Sen. Okerlund, Rep. Cox, and Rep. Stratton absent for the vote.

Chair Christensen adjourned the meeting at 10:51 a.m.